

REMARKS

Claims 4-13 are pending in this application. Non-elected claims 4-7 and 10-13 are withdrawn from consideration by the Examiner.

I. Claim Rejection Under 35 U.S.C. § 102

The Examiner rejects claims 8 and 9 under 35 U.S.C. § 102(b) as being anticipated by Hadvary et al. (U.S. 4,598,089). Applicants respectfully traverse the rejection.

As discussed in Applicants' previous remarks, the fat-soluble substance used in the present invention as the active ingredient is LUU type and UUL type triacylglycerols, i.e., triesters of glycerin.

Although the compound disclosed in Hadvary is a lipase inhibitor, its structure is totally different from LUU type and UUL type triacylglycerols. The compound in the reference does not have a carboxyl group structure directly attached to a long carbon chain (i.e., a fatty acid structure), and does not have a glycerin skeleton. Thus, it does not have a triacylglycerol structure wherein fatty acids are attached to the three OH groups of glycerin, respectively.

Although the Examiner refers to H-triolein and C-oleic acid, they are the substrate of lipase, not a lipase inhibitor. Hadvary states, "a test meal, which contains ³H-triolein and ¹⁴C-oleic acid, **and** a compound of formula I" (emphasis added) (see column 3, lines 62-64). A person skilled in the art can readily understand from this description that **the lipase inhibitor is the compound of formula I, while ³H-triolein and ¹⁴C-oleic acid are the substrate of lipase.**

On the other hand, in the present invention, the lipase inhibitor contains LUU type and UUL type triacylglycerols as the active ingredient. Therefore, the lipase inhibitor of the present invention is clearly different from the lipase inhibitor of the reference.

Accordingly, the reference does not anticipate claim 8.

Claim 9 depends from claim 8, and thus is also not anticipated by the reference.

II. Claim Rejection Under 35 U.S.C. § 103

The Examiner rejects claims 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Hadvary et al. in view of Softly et al. Applicants respectfully traverse the rejection.

As discussed above, the chemical structure of the lipase inhibitor of Hadvary is totally different from LUU type and UUL type triacylglycerols. Therefore, Hadvary does not teach or suggest LUU type and UUL type triacylglycerols as the active ingredient of a lipase inhibitor, as recited in claim 8. Softly does not cure this deficiency

Softly merely teaches a family of low-calorie substitutes, i.e., products having low absorbability. The products disclosed in Softly are not lipase inhibitors, and are not lipid absorption inhibitors which suppress the absorption of co-existing fats.

Therefore, even if the references are combined, they do not teach or suggest LUU type and UUL type triacylglycerols as the active ingredient of a lipase inhibitor or a lipid absorption inhibitor. Accordingly, claim 8 would not have been obvious over the references.

Claim 9 depends from claim 8, and thus also would not have been obvious over the references.

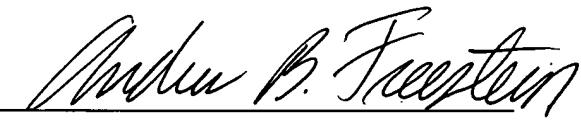
III. Conclusion

For these reasons, Applicants take the position that the presently claimed invention is clearly patentable over the applied references. Therefore, it is submitted that the rejections set forth by the Examiner have been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

Toshiharu ARISHIMA et al.

By:



Andrew B. Freistein
Registration No. 52,917
Attorney for Applicants

MRD/ABF/asd
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
June 24, 2009